

GARDNERVILLE TOWN BOARD

Minutes

June 7, 2005

- **The meeting was called to order by Chairman Cook. The Pledge of Allegiance was led by Mike Philips.**

PRESENT:

Thomas J. Cook, Chairman
Michael W. Philips, Sr., Vice-Chairman
Randall P. Slater
Jerry L. Smith
Paul A. Lindsay

Michael S. Rowe, Town Counsel
Jennifer Roman, JWA Consulting Engineers
Carol Louthan, Administrative Assistant

- Approval of the Agenda

Motion Slater/Smith to approve the agenda as written.

- **Approval of Previous Minutes**
 - **May 3, 2005 Regular Board Meeting**

Motion Smith/Philips to approve the previous minutes. Motion carried with Mr. Lindsay abstaining (not present during the May 3, 2005 meeting)

- **Discuss Good News in Gardnerville**

Chairman Cook read into the record the letter from the Department of Taxation approving the medium term financing request.

Chairman Cook went to the County Commission meeting June 2. Jim had wanted someone there when the Commissioners discussed the sign ordinance. The County made a presentation. Under public comment he spoke to the issue. The Commissioners delayed any enforcement until the Town could review the issue. They will have the first reading of the ordinance in July. This item should be agendized for the Town Board July meeting.

Mr. Slater remembered Minden addressed the sign ordinance a few years ago and the County told them they didn't have any right to input. Now the County wants input.

Chairman Cook advised the Commissioners talked about A-frame signs and signs on vehicles.

Mr. Slater felt if someone is going to open a business they should do research to find out whether people are going to know where it is located instead of the expecting the County or the Town to come up with signage to get people to the business.

Chairman Cook went to a meeting of the Nevada Rural Development Council. It is the same group they got a grant from through Bob Baker for the pavilion. He thanked Mr. Baker publicly for the grant the Town received for the park. They are going to have a program on the 27, 28 and 29 of June. He felt he and Jim should attend that meeting.

- **Public Comment on Any Item Not on Tonight's Agenda-No Board Action**

There were no comments.

CONSENT CALENDAR

Consent items may be pulled at the request of Board Members wishing to have an item or items further discussed. When items are pulled for discussion, they will be automatically placed at beginning of the Administrative Agenda. All items shall include discussion and possible action.

- **Motion to approve consent calendar.**

TOWN DEPARTMENTS

1. Accept Health and Sanitation Monthly Report
Accepted
2. Accept Public Works Monthly Report
Accepted
3. Accept Parks Department Monthly Report
Accepted

CORRESPONDENCE

4. Correspondence
Read and noted

TOWN MANAGER

5. Approve Claims for May 2005
Approved
6. Approve budget transfers
Approved
7. Acceptance of renewal proposal from the Nevada Public Agency Insurance Pool (POOL) and approval of invoice for payment from Fiscal Year 2006 funds
Accepted

Motion Smith/Lindsay to approve the consent calendar. Motion carried unanimously.

ADMINISTRATIVE AGENDA

IF ANY ITEMS WERE PULLED FROM THE CONSENT CALENDAR, THOSE ITEMS WILL BE HEARD AT THIS POINT

TOWN ENGINEER

8. Accept Town Engineer's monthly report of activities

Mrs. Roman referred to the report in Board packets. The Highway 395 sidewalk project is nearly complete. Main Street Lighting Phase 2 went to the rural subcommittee of statewide transportation TAC and they will recommend to the statewide TAC funding for the downtown lighting project of \$500,000. There is one more meeting on June 13th. If Jim is not available she will attend.

Mr. Philips asked how many tree wells did they end up with on Hwy 395?

Mrs. Roman answered four in front of the Overland and two at the Dangberg House; one less in front of the Overland than was originally planned. They will be bringing the 2005 paving project back to the Board to award at the July meeting. It has not gone out to bid yet. It will be overlay work in Carson Valley Estates.

9. Discussion and possible action to approve final payment, accept improvements, and authorize staff to publish notice of completion for Bid No. 2005-01 (Main Street Phase I and Toiyabe Phase II) sidewalk contract

Mrs. Roman reported in the field the project is substantially complete. They haven't prepared the final completion notice because there are some punch list items that are based on some 28-day concrete breaks that haven't been received yet. The Board can either wait until next meeting to recommend that be advertised or have it advertised at Jim's discretion. The final payment and final acceptance of the improvements are still outstanding.

Mr. Lindsay felt they should move it to the next Board meeting. The Board agreed.

Motion Lindsay/Slater to continue this item to the next Board meeting. Motion carried unanimously.

TOWN MAINTENANCE FOREMAN

10. Accept Town Maintenance Foreman's monthly report of activities

(Mr. Summers was not present)

Chairman Cook advised Mr. Summers was not present due to his surgery. The flagpole is in and the plaque will be going in

soon.

TOWN ATTORNEY

11. Accept Town Attorney Monthly Report of Activities

Mr. Rowe reported the only thing going on is keeping track of legislation. The revisions to the ethics in government law were not passed. It may come back in special session or not. That was AB538. Both houses passed the bill but it did not get enrolled and sent to the governor. The open meeting law bills did, for the most part, get passed, enrolled and sent to the governor. They did not pass the exception to the open meeting law that governing bodies would be allowed to hold closing meetings under certain circumstances relating to security and terrorism and keeping those records confidential. That was shot down. However, SB267 and SB83 were passed; but, 83 was incorporated into 267. He will send out a memo at the end of the legislative session to the Board advising them of how they will need to change business. They have made it a part of the law that any person testifying before a public body or any board member who makes a statement during the course of a public meeting is privileged and completely immune from defamation or any other recovery in a civil action. The parts on personnel are either broadened or tightened. If the Board is contemplating closing any portion of a meeting the name of the person whose character must be made a matter of record and if at any time during any portion of an otherwise open meeting, the Board is considering whether to take administrative action against a person, the name of that person against whom administrative action may be taken must be included in the notice of the meeting where it is considered. This requirement to identify needs to be plugged into the notice of the meeting. They changed the closed meeting section. The open meeting law is now going to require that materials that are submitted to the Board must be made available to the public unless the person whose interest is being protected requests a closed meeting. A copy of the supporting material must be provided to anyone who requests it when it is provided to the members before the meeting or at the meeting. The Board will no longer have the ability to close a personnel session. It is strictly up to the individual whose conduct or character is to be considered. You can advertise something as a closed session. That person can close the meeting and then decide to open it. They will need to include in a motion to close a meeting the nature of the business to be considered and the statutory authority under which the meeting is being closed.

Mr. Slater asked if Tom, as chairman, has to take action against an employee because it is dictated by the County policy and the County is enforcing the action, and he is not allowed to bring it before the Board, how does he do it and keep it open. There has been a case in the past where action was demanded by the County against a Town employee, at which time they had to enforce an action. There is a chance this same thing could come up again.

Mr. Rowe will look at it closer, but his recollection is in 1996 the Town passed it's own personnel policy. Then through an interlocal agreement the Town entered into with the County, the Town repealed that resolution and adopted the County's personnel ordinance. That was in conjunction with the County administering payroll, auditing and so forth. His feeling is that if the County personnel policy dictated a certain action then they would be compelled to follow up.

Mr. Slater asked if that wouldn't have to be done at a County level rather than having the Town take the action in "secrecy".

Mr. Rowe believed his question is: "Would the Town be required to hold a personnel session as a result of a mandated action by the County's personnel ordinance? He is not sure at this point he knows the answer.

Mr. Slater wanted to bring it before the Board at that time, but the County told him he couldn't even discuss it with the Board.

Mr. Rowe will look into it, find an answer and provide a hypothetical question in memorandum format and give the Board a written opinion on that. The Legislature crafted an exception the Board conduct an open hearing does not apply if the allegation of professional competence of the person does not pertain to his role as an elected member or an appointed public officer. The notice to the employee is the same notice as in the past plus the record reflect proof of service and must include an informational statement setting forth the public body may take administrative action if they determine such action is warranted and tell them they could be reprimanded or other action taken. That person must be allowed to attend the meeting, have an attorney or other representative of his choosing present, present written evidence, provide testimony and present witnesses relating to the competency. There will be some changes mainly in the area of the closed personnel or personnel issues in the personnel session. He will delineate those in a memo and attach a copy of the final version to the bill when it comes out. It will be effective July 1 on the open meeting law. The sidewalk bill made it and now in the next session there will be acceptance of a study that evaluates the existing walking paths and sidewalks within a one-mile radius of each school and contain recommendations for improvements. This committee will evaluate the walking routes to and from schools and this report will be submitted to the Legislative Council Bureau in the next session.

TOWN MANAGER

12. Accept Town Manager's monthly report of activities

Chairman Cook pointed out Jim is on vacation. Don't forget Tuesday the 14th 6:00 p.m. at Heritage Park for the flag dedication.

Mr. Lindsay noted in Jim's report the fencing in Serenity Park. ELFUN will be doing that June 22nd. ELFUN paid \$1,990 for the fencing and it is down at the maintenance facility.

Chairman Cook asked if the Town should furnish any drinks?

Mr. Lindsay replied if the Town wants to bring drinks they can.

Mr. Rowe advised he is working with Mimi Moss and wondered if the Board wanted him to ask her if she would make the presentation on the sign ordinance at the Town Board meeting?

Chairman Cook believed Mimi and Skip from the Chamber should be there to do the presentation.

Mr. Slater would like to see copy of what Minden's recommendation was the last time. If they are going to allow Minden and Gardnerville to write a sign ordinance how are they going to enforce it? If they are going to allow Minden, Gardnerville and Genoa to write a policy on how they want their signs, then they have something to work with. What good is the Town giving input if they're not going to enforce it or tell us it is for the whole county, therefore whatever they say doesn't really count? What do they want the towns to do?

Motion Philips/Smith to adjourn the meeting at 5:17 p.m.

Respectfully Submitted,

Thomas J. Cook
Chairman

Jim Park
Clerk to the Board